

Committee: Social, Cultural and Humanitarian Committee

Issue: Establishing global standards for prisoner rights and prison conditions

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Position: President

INTRODUCTION

Prison sentence is the sanction that holds an individual accountable for his actions. It is a mean of citizens' protection and compliance when, at the same time, it must prepare the criminal for his reintegration to society. However, depriving liberty and impacting on the right of movement of the criminal does not mean forgetting and putting aside his fundamental human rights and freedoms.¹



In many parts of the world, prison conditions are inhuman, leading to the prevalence of violence and to inmates' abnormal reintegration. Sexual abuse, violence, punitive conditions, starvation and generally mistreatment of all kinds are an everyday life for some prisoners. This is a situation that must change. Global standards for prisoner rights and prison conditions must be established as, imprisonment must not mean abuse. Prisoners must have access to adequate food and water, light, fresh air, exercise, violence from officers must not be tolerated when, at the same time, the establishment of international standards concerning access to the outside world, medical assistance, legal representation and the particular needs of vulnerable groups such as women and children must be of a high priority. All of these aspects must be examined during the debate, coming to conclusions focused on human rights, respect and dignity. As Martin Luther King Jr said, "a right delayed is a right denied" and no one has the power in this world to do so.²

Taking into account the complexity and the importance of the issue in hand it is of the utmost importance to understand all aspects of the matter. If any inquiries arise please feel free to contact me for further information and explanations at my e-mail address (sophia_par@hotmail.gr).

¹"History: Prison Condition." *Center For Prison Reform*, centerforprisonreform.org/history/.

²"Prison Conditions: the Issue." *Penal Reform International*, www.penalreform.org/priorities/prison-conditions/issue/.

Important note from the chairs' team

In order for the chairs to fully understand the dynamics of the committee, discovering any misunderstanding prior to the debate and for the better preparation of the delegates you are asked to proceed as indicated below;

- 1) Conduct your chairs via email and informing them about your mun experience so that they can know what exactly to expect of you.
- 2) Prepare and send your chairs by 11:59 of the 6th of November one position papers for each of the topics you are going to discuss during the conference. You can conduct the expert chair, of each topic for further information concerning your country's policy if needed, and for general guidance when it comes to your position papers (word limit structure etc). You are going to receive general comments during the lobbying for your position papers as well as personal feedback and grades for your papers. The points you will receive will add up to your general score which is one of the factors that determine the best delegate award. If you for any reason fail to send your papers before the final deadline you will not be eligible for any award.

DEFINITION OF KEY TERMS

Prisoner

A prisoner is a person legally committed to prison as a punishment for a crime or while awaiting for his trial. Synonyms are: convict, inmate

Prison

A building in which people are legally held as a punishment for a crime they committed.

Global Standards

Guidelines and standards developed over a certain issue and used worldwide.

BACKGROUND INFORMATION

Historical Background

The issue of the prison conditions dates back to 1950s. Back then, prisoners were everyday victims of brutal, inhuman and violent behavior. Very often, they were chained and caged. They were not provided with clothes, being forced to stay naked and sleep on the ground. Police officers have claimed that the inmates were treated like animals, even being given food in dog plates. Due to these conditions, many riots occurred, leading to the creation of the United Nations Standard Minimum Rules for the Treatment of Prisoners, something that led to the improvement of the situation inside prisons.

In 1960s, a growing crime rate was detected. Governments started considering the importance of the rehabilitation of inmates. However, another practice started evolving; governments started imprisoning every person who had committed petty and non-violent crimes. Sometimes they even imposed death sentence to them following the mindset: “if rehabilitation doesn’t work, then the harsh imprisonment of each and every criminal, without considering their future or reintegration, is the rights choice”.

Since then, many treaties concerning the rights of imprisoned people have been signed and many resolutions have been voted upon, aiming to protect and promote the fundamental human rights of the prisoners. United Nations have played a crucial role in this effort, detecting mistreatments and coming up with solutions and proposals on how to promote equality and respect towards other people, no matter their status or past.

What is happening nowadays?

Today, the situation in many prisons worldwide remains inhuman. Many prisons are overcrowded and underfunded. In a USA research, it was estimated that, in order to keep an inmate behind bars, ensuring at the same time his well-being, 30.000 dollars per year are necessary. Inmates are treated violently, they are subjected to organ removal for the purpose of organ trafficking, they do not have access to proper sanitary facilities, food, clear water when, at the same time, diseases such as Cholera and AIDS are a common phenomenon. Additionally, the hygiene of the cells is tremendously bad and, in many cases, prisoners do not sleep in beds but on the ground. Moreover, the medical facilities are either weak or non-existent so the medical treatment of injured or ill inmates is not possible. In addition, in many prisons, their contact with the outside world is extremely limited and they are not allowed to get visited by their families oftenly, sometimes only 1-2 days per 6 months. Talking about education and voting rights, in many cases inmates are not allowed to read, get educated or use the newborn distant learning so as to complete studies, broaden

their horizons or even vote in elections.³ This situation is against each and every fundamental human right, leading to many deaths due to diseases but also, to many suicides.⁴

Do officers abuse prisoners?

One of the most common and severe problems in prisons is the abuse of inmates taking place by the Correction Officers. This situation is definitely not a thing which belongs to the past. The misconduct and excessive force used by Officers is present and deteriorates every day. The power given to them in order to maintain the safety and the security of the prisons and the inmates is being constantly abused leading to tremendously violent behaviors. This kind of abuse can take three forms:

- I. Violent assault: the heating, beating, kicking and striking of prisoners and the torturing of them at all ways
- II. Sexual assault: it is estimated that approximately the 5% of inmates worldwide have reports a sexual assault and even sexual slavery in exchange for food or water
- III. Psychological assault: the psychological mistreatment, indignities and verbal assault of the prisoners which is common in prisons

As it can be easily understood, prisoners are not only facing inhuman conditions in the prisons concerning sanitary, food, water and generally everyday life issues but also mistreatment and brutal behavior by Officers violating their dignity and self-respect.⁵

Which rights are constantly being violated and need to be protected?

Given all the above mentioned, it is obvious that many fundamental human rights are being constantly violated, forgetting the human nature of prisoners. It is of high importance to take serious measures in order to change this situation. In other words, it is necessary to find ways to protect the right to adequate food, to clear water, to basic sanitary

³"Detention Conditions and Treatment of Prisoners" - Echr.coe.int.
www.echr.coe.int/Documents/FS_Detention_conditions_ENG.pdf.

⁴"History: Prison Condition." *Center For Prison Reform*, centerforprisonreform.org/history/.

⁵"Inmate Abuse by Corrections Officers and the Legal Recourse Available: Law Offices of Nussin S. Fogel: New York City." *Law Offices of Nussin S. Fogel*, www.nsfogel.com/Articles/Inmate-Abuse-by-Corrections-Officers-and-the-Legal-Recourse-Available.shtml.

facilities, to self-determination, to education, to access to the outside world, to safety, to self-defense, to vote, the right against exploitation, against violence, against sexual assault, against exploitation of power⁶ and many more fundamental human rights that are being constantly forgotten and violated.⁷

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED⁸

People's Republic of China – Organ Trafficking

China is a home for more than 2.300.000 prisoners. It is a country known for its bad prison conditions and its “dark secrets”. Violence, abuse and mistreatment are totally linked with Chinese Prisons. However, the worst part has not been mentioned yet. Chinese prisons are accused of being the core of organ transplantation. Statements of doctors and prison guards indicate that the “*Chinese system systematically takes kidneys, corneas and tissue from executed prisoners.*” Moreover, there are reports stating that political prisoners are often executed with the purpose of having their organs transplanted. The Chinese government has consistently denied the allegations, but many individuals, prisoners and professionals have stated that these accusations are more than a brutal reality.

Russian Federation – Petak Island Prison

A prison also known as “The Alcatraz of Russia”. It is one of the most secure prisons, which holds the most dangerous criminals of Russia. Due to its high security, inmates are mostly safe from abuse and rape - they do experience violence, 22.5 hours per day tortures from the officers. However, the conditions of this prison are so inhuman that, after approximately 3 years, prisoners’ personalities begin to change and deteriorate.

Petak Island Prison is a regime of total isolation. Inmates are allowed no more than 2 visitors per year, when, at the same time, they have no contact with the outside world. They have limited access to basic facilities



⁶“Fundamental Rights.” *Wikipedia*, Wikimedia Found

⁷“Cruel, Inhuman, and Degrading Conditions.” *Am*
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⁸“5 Most Barbaric Prisons In The World - Worlds Worst Prisons.” *Unknown5*, 31 July 2016, www.unknown5.com/5-worst-barbaric-prisons-world/.

such as bathrooms and washing facilities. The food they are provided with is extremely limited as well. Despair and misery, violence and starvation are an everyday life for these prisoners, leading many of them to suicides.

Venezuela – Le Sabaneta Prison

One of the prisons with the worst conditions worldwide. A facility holding 3.700 inmates when its original design was only for 700. Rapes, violence, stabbings and killings are an everyday life for these inmates, incidents controlled mostly by gangs. The weakest inmates become sexual slaves of the gang leaders. Moreover, officers mistreat and torture prisoners as well. In 1994, police armed forces massacred 100 inmates during a riot. In the subsequent search, knives, guns and even grenades were found. Prisoners of Le Sabaneta Prison do not have access to proper sanitation, plastic bags are used as toilets, they clean themselves with a shared bucket of water, they eat 1 meal per day when, at the same time, most of them do not sleep in a cell but in cramped hammocks which line the narrow corridors. A living nightmare, leading many people to suicide.



USA – Pelican Bay prison



Rapes by other inmates, beating by officers, non-provision of clothes, food and water, great brutalities (a prisoner dumped in scalding water so his skin peeled off like old varnish), deaths by medical mistakes or no-existence of medical facilities at all, prisoners left naked outside during rainy days and freezing cold... Pelican Bay prison is considered to be one of the worst American Prisons and one out of the 20 worst prisons worldwide. The essence of human nature is absent while officers and inmates are not aware of the definition of fundamental human rights.⁹

United Nations

United Nations have multiple times addressed the issue of the situation in prisons. Especially the Office on Drugs and Crime has conducted searches, reports, informing UN on

⁹"Abuse Of The Human Rights Of Prisoners In The United States: Solitary Confinement." *American Civil Liberties Union*, www.aclu.org/other/abuse-human-rights-prisoners-united-states-solitary-confinement.

the ongoing mistreatment and the inhumanity of prison facilities. Later on, resolutions and documents from UN on this matter will be presented.

TIMELINE OF EVENTS

Date	Description of Event
1950s	Riots from prisoners due to the violation of their fundamental rights
1955	United Nations Standard Minimum Rules for the Treatment of Prisoners
1973	The European Prison Rules
1975	First Resolution on “Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”
1977	The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders - Standard Minimum Rules for the Treatment of Prisoners
1987	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
1994	Massacre of 100 prisoners during a riot in Venezuela
2015	United Nations Office on Drugs and Crime - The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)

UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS



<u>Name</u>	<u>Date</u>	<u>Explanation</u>
United Nations Standard Minimum Rules for the Treatment of Prisoners	1955	First effort for the improvement of prison conditions
General Assembly resolution 3452 (XXX)	1975	Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders - Standard Minimum Rules for the Treatment of Prisoners	1977	Standard Minimum Rules, principles and guidelines concerning the Treatment of Prisoners
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, [annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984)]	<i>Entered into force: 1984</i>	A Convention standing against torture, cruelty and inhuman treatment

General Assembly resolution 45/111	1990	Basic Principles for the Treatment of Prisoners
Resolution adopted by the General Assembly [on the report of the Third Committee (A/65/457)]	2011	United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)
United Nations Office on Drugs and Crime - The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)	2015	A revision of the basic principles concerning prison conditions, inspired and in honor of Nelson Mandela

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

In the previous section, we have managed to obtain a concrete picture of the UN involvement in this matter. However, not only the United Nations have managed to take action. The European Union, via European Court of Human Rights, has addressed the issue of prison conditions. In many verdicts, the Court has strongly condemned the inhuman treatment of prisoners. For example:

“1) Peers vs Greece: The European Court of Human Rights held that there had been a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, finding that the conditions of the applicant’s detention in the segregation unit of the Delta wing of the Koridallos prison had amounted to degrading treatment. It took particularly into account that, for at least two months, the applicant had

to spend a considerable part of each 24-hour period practically confined to his bed in a cell, with no ventilation and no window, which would at times become unbearably hot. He also had to use the toilet in the presence of another inmate and be present while the toilet was being used by his cellmate. The Court was of the opinion that the prison conditions complained of had diminished the applicant's human dignity and given rise in him to feelings of anguish and inferiority capable of humiliating and debasing him and possibly breaking his physical or moral resistance.

2) Kalashnikov vs Russia: *Although the Court accepted that there had been no indication of a positive intention to humiliate the applicant, it considered that the conditions of detention had amounted to degrading treatment in violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention. In particular the severely overcrowded and insanitary environment and its detrimental effect on the applicant's health and well-being, combined with the length of the period during which the applicant was detained in such conditions, contributed to this finding. As regards the overcrowding, the Court emphasised that the European Committee for the Prevention of Torture (CPT) had set 7 m² per prisoner as an approximate, desirable guideline for a detention cell.*

3) Florea vs Romania: *The Court found that the conditions of detention to which the applicant had been subjected had exceeded the threshold of severity required by Article 3 (prohibition of inhuman or degrading treatment) of the Convention, in violation of that provision. It observed in particular that, far from depriving persons of their rights under the Convention, imprisonment in some cases called for enhanced protection of vulnerable individuals. The State had to ensure that all prisoners were detained in conditions which respected their human dignity, that they were not subjected to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention and that their health was not compromised."*

Moreover, on 1973, the European Prisoner Rules were adopted by the Committee of Ministers, being reformed on 1987 and emphasizing on fundamental rights that prisoners must be granted.

Additionally, on 1987, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was adopted, focusing on the combating of any forms of torture and enforcing fundamental human rights of all people, including prisoners.

POSSIBLE SOLUTIONS

In order to tackle this issue, some measures need to be taken.

Information and readiness

First of all, studies and reports from State Factors and UN Bodies, such as but not limited to UNODC, would be of high importance as they would enable States and UN to achieve better knowledge on the ongoing situation, readiness and responsivity.

The improvement of readiness and responsivity could be as well achieved by the enforcement of control in prisons and the encouragement of the formation of a State or non-Governmental body with the duty to constantly and spontaneously check prison conditions.

Underfunding

Moreover, to combat the issue of underfunding and accomplish the sensitization of the public, fund raising campaigns accompanied by awareness raising campaigns would be suitable solutions.

Weakness of prison facilities

To continue, hiring medical, cleaning and cooking staff, especially unemployed people who need a job, as well as teachers would help the State to combat the weakness of prison facilities and to enable the education of the prisoners.

Education

However, when it comes to the issue of education, the provision of technological stuff to enable distant learning and the conducting of inner-prison educational programs must not be forgotten.

Vulnerable groups

Finally, concerning vulnerable groups such as children, a system of special protection must be applied which will include friendlier psychiatric and non-psychiatric facilities,

psychologists and educational programs so as to achieve a better reintegration to society and properly prepare those citizens of tomorrow to face reality.

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